

Notice of Allowability	Application No.	Applicant(s)
	10/788,877	POTEET, MICHAEL A.
	Examiner Charles Goodman	Art Unit 3724

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Amendment filed on 11/29/2005.

2. The allowed claim(s) is/are 1-35.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International-Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Charles Goodman
CHARLES GOODMAN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Byron S. Kuzara on February 6, 2006.

The application has been amended as follows:

In claim 30, line 6, after the term "head" at the end of the line, the term -- portion -- has been inserted.

2. The following is an examiner's statement of reasons for allowance:

The prior art of record do not anticipate nor do they reasonably suggest the culinary implement as claimed in claims 1, 12, 21, 24, 30 and 33. The closest prior art, Wallays (US 5,933,918), with respect to claims 1, 12, 21 and 24, teaches a kitchen implement comprising, inter alia, a handle (e.g. to the left of 2 in Fig. 2) and interchangeable implements as shown in Figs. 2-11. However, Wallays lacks the attachment mechanism as claimed in claims 1, 12 and 21 as well as the first and second head portions as claimed in claim 24. In Wallays, the feature generally indicated by reference (e.g. 50 in Figs. 2-3) may read on the claimed attachment arm to the extent that Wallays' arm is secured to the handle and the arm has a non-linear configuration that defines an end area (e.g. 46) of the attachment arm wherein a head portion (e.g. 42) may be attached. In contrast to the claims, the attachment arm does not attach to only

one of the two sides of the head portion, i.e. the claimed second side of the head portion - applicable to claims 1, 12, 21 and 24, and the attachment arm does not include a two-part attachment mechanism such that one of the two is separable from the other to detach the head portion - applicable to claims 1, 12 and 21. The legs (e.g. 46, 44) of Wallays may read on at least one part of an attachment mechanism, but it is neither separable nor part of a two-part mechanism. Moreover, none of the other prior art of record fairly teach or suggest this lacking feature. Thus, it is believed that the claimed inventions with the lacking features in combination with all the other claimed elements are allowable over the prior art of record.

Regarding claims 30 and 33, the closest prior art, Mould (US 3,924,328), teaches a cutting tool comprising, inter alia, a handle (e.g. to the left of 2 in Fig. 2) and projections (e.g. 24) that are pyramidal. However, none of the projections have a configuration that is twisted about the outwardly extending axis of the projection (claim 30) nor twisted in a direction that extends around a height axis of the projection. Moreover, none of the other prior art of record fairly teach or suggest this lacking feature. Thus, it is believed that the claimed inventions with the lacking features in combination with all the other recited elements are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3724

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: new formal drawings. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

cg

February 6, 2006


Charles Goodman
Primary Examiner
AU 3724

CHARLES GOOD
PRIMARY EXAMINER